IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY
WRIT PETITION NO : 9880 of 2004

Between:

Golla Raju, S/o Mallaiah, aged 36 years,
R/o Obulapuram, Dhone Mandal, Kurnool District,
Occu: F.P. Shop Dealer.

..... Petitioner.

AND

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool,
Kurnool District
3. The Mandal Revenue Officer, Dhone Mandal, Dhone, Kurnool District

..... Respondents.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings of the 2nd respondent herein bearing No. Rc.B.574/2004 dt. 11/06/2004, as illegal, void and ultravires of the provisions of A.P. Schedule Commodities (Regulation of Distribution by Card System) Order, 1973 and consequently direct the respondents herein to restore the authorization of the Fair Price shop of the petitioner situated at Obulapuram , Dhone Mandal, Kurnool District,

For the Petitioner: Mr. K.V.RAGHU VEER, Advocate.

For the Respondent No.: GP FOR CIVIL SUPPLIES

The Court Made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the order

passed by the second respondent in suspending the authorization of the petitioner pending enquiry.

2. According to the petitioner, now the impugned order of suspension was passed by the second respondent, based on the report of the Mandal Revenue Inspector. According to the petitioner, the Mandal Revenue Inspector never visited the shop of the petitioner and no verification of the stock was conducted by him.

3. The learned counsel also contended that though an appeal filed before the Joint Collector on 16-06-2004, no order has been passed by him. But, as per the impugned order of suspension, the Mandal Revenue Officer was directed to make alternative arrangement for distribution of essential commodities. Thereby depriving, the petitioner in distributing the essential commodities. Hence, sought for suspension of the impugned order.

4.. Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

5. Against the impugned order of suspension pending enquiry passed by the second respondent, a remedy of appeal is provided to the Joint Collector. In fact, the petitioner already filed an appeal before the Joint Collector. However, the grievance is that no stay was granted by the Joint Collector immediately after filing of the appeal and, therefore, the present writ petition.

6. Admittedly, the impugned order of suspension was passed pending enquiry in view of the irregularities noticed and reported by the Mandal Revenue Inspector. However, the petitioner has already approached the appropriate authorities, by filing an appeal and in fact even sought for an interim order of stay. In view of the appeal already filed before the Joint Collector, the Joint Collector is directed to pass appropriate orders on the stay petition as well as in

the appeal expeditiously, preferably within a period of one week from the date of receipt of the order. Till the disposal of the appeal, status quo shall be maintained as to the distribution of the essential commodities.

7. The Writ Petition is accordingly disposed of.

17th June, 2004 ASSISTANT REGISTRAR.

// TRUE COPY //

SECTION OFFICER.

To

1 The Joint Collector, Kurnool, Kurnool District.
2 The Revenue Divisional Officer, Kurnool, Kurnool District
3. The Mandal Revenue Officer, Dhone Mandal, Dhone, Kurnool District

4. Two copies to Govt.Pleader for Civil Supplies, High Court of A.P., Hyderabad. (O.U.T.)

5. Two C.Ds.